

FORM PTO-1390 (Modified) (REV 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER UCSD1140-1
TRANSMITTAL LETTER TO THE UNITED STATES		U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 09/889251)
DESIGNATED/ELECTED OFFICE (DO/EO/US)		
CONCERNING A FILING UNDER 35 U.S.C. 371		

INTERNATIONAL APPLICATION NO. PCT/US00/04663	INTERNATIONAL FILING DATE 23 February 2000	PRIORITY DATE CLAIMED 23 February 1999
--	--	--

TITLE OF INVENTION
METHODS OF TREATMENT OF MITOCHONDRIAL DISORDERS

APPLICANT(S) FOR DO/EO/US
Robert K. Naviaux

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). **Unsigned**
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A change of power of attorney and/or address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. Certificate of Mailing by Express Mail **EL617043576**
23. Other items or information:

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) 09/88925	INTERNATIONAL APPLICATION NO. PCT/US00/04663	ATTORNEY'S DOCKET NUMBER UCSD1140-1
---	--	---

24. The following fees are submitted:				CALCULATIONS	PTO USE ONLY
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :					
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO	\$1000.00				
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO	\$860.00				
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$710.00				
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)	\$690.00				
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)	\$100.00				
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$100.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than _____ months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$130.00	
<input type="checkbox"/> 20	<input checked="" type="checkbox"/> 30				
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	27 - 20 =	7	x \$18.00	\$126.00	
Independent claims	4 - 3 =	1	x \$80.00	\$80.00	
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>				\$270.00	
TOTAL OF ABOVE CALCULATIONS =				\$706.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. (See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$353.00	
SUBTOTAL =				\$353.00	
Processing fee of \$130.00 for furnishing the English translation later than _____ months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00	
<input type="checkbox"/> 20				<input type="checkbox"/> 30	+
TOTAL NATIONAL FEE =				\$353.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).				\$0.00	
<input type="checkbox"/>				\$0.00	
TOTAL FEES ENCLOSED =				\$353.00	
				Amount to be refunded	\$
				charged	\$

- a. A check in the amount of \$353.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1355 A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Lisa A. Haile, Ph.D.
 Gray Cary Ware Freidenrich LLP
 4365 Executive Drive, Suite 1600
 San Diego, CA 92121

Lisa A. Haile

 SIGNATURE

Lisa A. Haile, Ph.D.

 NAME

38,347

 REGISTRATION NUMBER

July 13, 2001

 DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert K. Naviaux
Serial No.: Unassigned
Filed: July 13, 2001
Title: METHOD AND TREATMENT OF MITOCHONDRIAL DISORDERS

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF MAILING BY "EXPRESS MAIL"

I Mikhail Bayley declares as follows:

1. I reside at 4551 W. TAYLOR DR and am an employee of Gray Cary Ware & Freidenrich LLP, 4365 Executive Drive, Suite 1600, San Diego, CA 92121-2189.

2. On 07/13/2001, I deposited in the mail, "Express Mail Post Office to Addressee" service of the United States Postal Service the contents of the envelope for which "Express Mail" receipt No. **EL617043576US** was addressed to: Commissioner of Patents, Washington, D.C. 20231.

3. Attached hereto is a true copy of the "Express Mail" receipt no. **EL617043576US**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: 07/13/2001

Mikhail Bayley

098851 1030